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Attorneys for Respondent

14 CURTIS KIMBER

Petitioner.

C 08-2062 JSW (PR)

APPLICATION FOR ENLARGEMENT OF TIME

ED FOULK, Warden,

Respondent.

20 Pursuant to Civil L.R. 7-8 and 7-11, respondent requests a 60-day enlargement of time,
21 to and including September 10, 2008, within which to file an answer to the petition for writ of
22 habeas corpus and provide the relevant state record, as required by the Court's Order to Show Cause.
23 The application is based on the file in this case and the attached declaration of Juliet B. Haley.
24 Respondent has not made any previous request.

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27 | //

1 Dated: July 2, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
Supervising Deputy Attorney General

7
8 /s/ Juliet B. Haley

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10 JULIET B. HALEY
11 Deputy Attorney General
12 Attorneys for Respondent

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14 SF2008401720

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Curtis Kimber v. Ed Foulk, Warden**

No.: **C 08-2062 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 2, 2008, I served the attached

APPLICATION FOR ENLARGEMENT OF TIME;

DECLARATION OF JULIET HALEY IN SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME;

[PROPOSED] ORDER

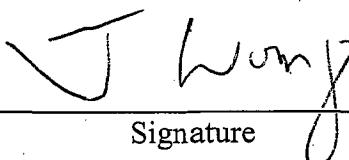
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Curtis M. Kimber
NA 202929-6
C/O Ann P. Williams
2251 Nobili Ave.
Santa Clara, CA 95051**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 2, 2008, at San Francisco, California.

J. Wong
Declarant

20119641.wpd


Signature

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GERALD A. ENGLER
6 Senior Assistant Attorney General
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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CURTIS KIMBER.

Petitioner.

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ED FOULK, Warden.

Respondent.

C 08-2062 JSW (PR)

**DECLARATION OF JULIET
HALEY IN SUPPORT OF
APPLICATION FOR
ENLARGEMENT OF TIME**

20 I am the California Deputy Attorney General assigned to handle the above-captioned case.
21 Respondent's Answer is due July 12, 2008. I have not previously requested any enlargements of
22 time in this case.

23 I request an additional 60 days to file a Answer for the following reason: Petitioner
24 entered a guilty plea and did not appeal his conviction. Hence, no state court record was prepared.
25 In order to respond to the instant federal habeas petition, and to comply with Habeas Rule 5, I need
26 to have the state court proceedings transcribed. I have assigned a paralegal to this task and he has
27 contacted the Napa County Superior Court Clerk's Office and requested that that office contact the
28 various court reporters who reported on petitioner's proceedings and order the proceedings

1 transcribed. In my experience this process takes several weeks. Until I have a copy of the record
2 I can not respond to the claims in the petition.

3 For the above-stated reasons, I respectfully request that the Court grant Respondent sixty
4 days (60), to and including September 10, 2008, in which to file an Respondent's Answer.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed this July 2, 2008, in San Francisco.

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8 /s/ Juliet B. Haley

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10 JULIET B. HALEY
11 Deputy Attorney General
12 Attorney for Respondent

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